

VZCZCXRO6261  
OO RUEHGA RUEHHA RUEHMT RUEHQU RUEHVC  
DE RUEHOT #0309/01 1121549  
ZNY CCCCC ZZH  
O 221549Z APR 09  
FM AMEMBASSY OTTAWA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9352  
INFO RUCNCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY  
RHMFISS/DEPT OF HOMELAND SECURITY WASHDC PRIORITY  
RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 000309

SIPDIS

STATE FOR WHA/CAN AND EEB/TPP/IPE KEAT AND WATTS  
STATE PASS USTR FOR SULLIVAN, MELLE, AND VETERE  
COMMERCE FOR JENNIFER BOGER  
DHS FOR THERESE RANDAZZO AND SEBASTIAN WRIGHT

E.O. 12958: DECL: 04/20/2019  
TAGS: [ECON](#) [ETRD](#) [KIPR](#) [CA](#)  
SUBJECT: CANADA IP UPDATE: GOC OFFICIAL REPORTS NO PROGRESS  
ON COPYRIGHT BILL

REF: A. OTTAWA 149  
[1](#)B. 08 OTTAWA 945  
[1](#)C. 08 OTTAWA 794

Classified By: Eric Benjaminson, Economic Minister Counselor for Reason  
s 1.4 (d)

[1](#)1. (SBU) Summary. Senior Canadian officials have privately told the Embassy that the federal government plans to hold public consultations on potential copyright legislation this summer. The government hopes to introduce a new copyright bill in the fall of 2009. Industry representatives are concerned that the government is dragging its feet on copyright reform and are calling for the USG to elevate Canada to the Special 301 Priority Watch List. End summary.

No Copyright Bill Until the Fall  
-----

[1](#)2. (C) On April 20, Zoe Addington, Director of Policy, Industry Canada, and Tanya Peatt, Director of Policy, Heritage Canada, told Econoff that the Government of Canada is not yet ready to introduce a copyright bill and will not be in a position to do so until the fall. Addington explained that because the current Ministers of Industry and Heritage were appointed after the introduction and death of bill C 61, the previous copyright bill, both Ministers need time to ensure that they are comfortable with any new legislation. Addington said that they have not yet determined if they will use bill C 61 as a model or start from scratch. In contrast to the messages from other Canadian officials, she said that if Canada is elevated to the Special 301 Priority Watch List (PWL), it would not hamper - and might even help - the GOC's ability to enact copyright legislation.

[1](#)3. (C) Addington stated that Minister of Industry Clement intends for the next copyright bill to be more "consumer friendly" than bill C 61. Minister Clement believes that bill C 61 was too specific in some aspects - for example, it legalized limited copying of copyright material for private use in some circumstances, but only in certain formats.

[1](#)4. (C) Addington said the Government had been accused, unfairly in her opinion, of drafting C 61 without public consultation. Therefore, the Government plans to hold public consultations on copyright policy over the summer. The exact form of these consultations has not been determined. Addington stated that the GOC would also use these consultations as an opportunity to educate consumers and "sell" the Government view. These consultations will likely be announced in May or June, she said.

## Industry Representatives Discouraged

---

15. (SBU) Based on a meeting with Minister Clement, officials at the Canadian Chamber of Commerce have advised their members that fall 2009 is the earliest possible timeframe for introduction of a copyright bill. Other industry representatives agree with this assessment, and most believe that elevating Canada to the PWL would be an effective way to spur movement on this issue. The industry representatives argue that new Canadian federal elections could be called this fall or winter, which would again doom any potential copyright legislation to the same fate as the last two attempts at copyright reform.

## Counterfeiting Enforcement Legislation Won't be Introduced Anytime Soon

---

16. (C) Post also understands from several sources that the government has completed legislation to enhance Canada's IPR enforcement measures. However, the government has no plans to introduce the bill in Parliament any time soon because no funding was linked to the legislation in the last budget. The government also believes that it makes more sense to first modernize Canada's copyright laws and then institute greater means for enforcement. If and when the enforcement bill is introduced, we expect that it will criminalize the importation of counterfeit goods and grant ex officio powers to Canadian Customs Officers.

OTTAWA 00000309 002 OF 002

Visit Canada's North American partnership community at <http://www.intelink.gov/communities/state/nap/>

BREESE